

## REMARKS

By this amendment, claims 1-4, 6-11, 13-15 and 17 have been amended. Claims 5, 12, 16 and 18 are unchanged. Claims 1-18 remain in the application. This application has been carefully considered in connection with the Examiner's Action.

Reconsideration, and allowance of the application, as amended, is respectfully requested.

### **The Specification**

The specification stands objected to in view of informalities. By this amendment, the specification has been amended to correct for minor typographical errors, one of which lead to the referenced informalities. In addition, with respect to the paragraph beginning on page 4, line 26 through page 5, line 6, this paragraph refers to Figure 2 which contains server 10 and not server 2. Appropriate corrections have thus been made. The objection to the specification is now believed overcome.

### **Objection To The Claims**

Claims 6 and 13 were objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. By this amendment, claims 6 and 13 have been amended to remove the multiple dependencies. Accordingly, the objection to the claims is now believed overcome.

### **Rejection under 35 U.S.C. § 102**

#### **Claim 1**

Claim 1 recites a method for automatically discovering web services comprising:  
querying a known UDDI server address by a networked CE device via a structured query, wherein the structured query by the networked CE device includes the use of a unique identity of a web service that is compliant with a

particular web service standard, the known UDDI server at the UDDI server address containing a list of web services, and further wherein the list of web services includes one or more distinct web services that are compliant with the particular web service standard and which can be successfully used by the networked CE device;

identifying from said list the compliant web services; and  
automatically downloading via a structured response to the networked CE device at least one machine readable description of a distinct web service from the list of identified compliant web services.

Support for the amendments to claim 1 (similarly, for claims 8, 15 and 17), can be found in the specification on at least page 4, line 26 through page 5, line 6; page 5, lines 24-26; and page 6, lines 1-2.

Claims 1-3, 8-10 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by **Keyes et al.** (US 2004/0204775). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Keyes et al.** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Keyes et al.** reference, the latter reference does not disclose " ... querying ... wherein the structured query by the networked CE device includes the use of a unique identity of a web service ... compliant with a particular web service standard, the known UDDI server ... containing a list of web services, and further wherein the list of web services

includes one or more distinct web services that are compliant with the particular web service standard and which can be successfully used by the networked CE device; identifying from said list the compliant web services; and automatically downloading via a structured response to the networked CE device at least one machine readable description of a distinct web service from the list of identified compliant web services” as is claimed in claim 1.

*In contrast*, while the method of **Keyes et al.** teaches the use of discovery services 118 to automatically or dynamically establish communications between the information server 114, the data services 102-106 and the data consumers 108-112, without requiring intervention from a system user or operator, **Keyes et al.** does not teach or suggest a “structured query by the networked CE device” that “includes the use of a unique identity of a web service ... compliant with a particular web service standard, the known UDDI server ... containing a list of web services, and further wherein the list of web services includes one or more distinct web services that are compliant with the particular web service standard and which can be successfully used by the networked CE device,” nor does Keyes et al. teach or suggest “identifying from said list the compliant web services; and automatically downloading via a structured response to the networked CE device at least one machine readable description of a distinct web service from the list of identified compliant web services” as is claimed in claim 1 of the present application. Rather, **Keyes et al.** simply teaches communicating “what web services are coupled to the network 120 and available for use by the system 100.” (See **Keyes et al.** at Col. 9, paragraphs [0070-0071]).

Therefore, the rejection is not supported by the **Keyes et al.** reference and should be withdrawn. Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claims 2-3 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

By this amendment, claim 8 has been amended in a similar manner with respect to the amendments to claim 1. Claim 8 is believed allowable over the **Keyes et al.** reference for reasons similar as stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 8 is believed allowable and the rejection thereof should be withdrawn. Dependent claims 9-10 and 13 depend from and further limit allowable independent claim 8 and therefore are allowable as well.

**Rejection under 35 U.S.C. § 103**

Claims 4, 5, 11, 12, and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Keyes et al.** as applied to claim 1, and further in view of **Qian** (US 2003/0061206).

With respect to claims 4-5, Applicant respectfully traverses this rejection for at least the following reason. Dependent claims 4-5 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

With respect to claims 11-12, Applicant respectfully traverses this rejection for at least the following reason. Dependent claims 11-12 depend from and further limit allowable independent claim 8 and therefore are allowable as well.

**Claim 15**

Claim 15 recites a method for automatically discovering TV Anytime web services comprising:

querying a known UDDI server address by a networked CE device via a structured query, wherein the structured query by the networked CE device includes the use of a unique identity of a web service that is compliant with a particular web service standard, the known UDDI server at the UDDI server

address containing a list of web services, and further wherein the list of web services includes one or more distinct web services that are compliant with the particular web service standard and which can be successfully used by the networked CE device;

identifying from said list the compliant web services; and

automatically downloading via a structured response to the networked CE device at least one machine readable description of a distinct web service from the list of identified compliant web services, said querying comprises transmitting the structured query in a predefined format, said structured query further including an element specifying a set of taxonomies to which said identified compliant web service must conform.

With respect to claim 15, Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness.

As the PTO recognizes in MPEP § 2142:

*... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...*

It is submitted that, in the present case, a prima facie case of obviousness has not been factually supported for the at least the following reason.

#### **Even When Combined, the References Do Not Teach the Claimed Subject Matter**

The **Keyes et al.** and **Qian** references cannot be applied to reject claim 15 under 35 U.S.C. § 103 which provides that:

*A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the*

*invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)*

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. Neither **Keyes et al.** nor **Qian** teaches "... querying ... wherein the structured query by the networked CE device includes the use of a unique identity of a web service ... compliant with a particular web service standard, the known UDDI server ... containing a list of web services, and further wherein the list of web services includes one or more distinct web services that are compliant with the particular web service standard and which can be successfully used by the networked CE device; identifying from said list the compliant web services; and automatically downloading via a structured response to the networked CE device at least one machine readable description of a distinct web service from the list of identified compliant web services " as is claimed in claim 15.

Therefore, it is impossible to render the subject matter of claim 15 as a whole obvious, and the explicit terms of the statute cannot be met. The rejection under 35 U.S.C. §103 should be withdrawn. Accordingly, claim 15 is allowable and an early formal notice thereof is requested.

Dependent claim 16 depends from and further limits allowable independent claim 15 and therefore is allowable as well.

By this amendment, claim 17 has been amended in a similar manner with respect to the amendments to claim 15. Claim 17 is believed allowable over the **Keyes et al.** and **Qian** references for reasons similar as stated herein above with respect to overcoming the rejection of claim 15. Accordingly, claim 17 is believed allowable and the rejection thereof should be withdrawn. Dependent claim 18 depends from and further limits allowable independent claim 17 and therefore is allowable as well.

Claims 6, 7, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Keyes et al.** as applied to claim 1, and further in view of **Hillerbrand et al.** (US 2004/0054690).

With respect to claims 6-7, Applicant respectfully traverses this rejection for at least the following reason. Dependent claims 6-7 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

Similarly, with respect to claim 14, Applicant respectfully traverses this rejection for at least the following reason. Dependent claim 14 depends from, via dependent claim 13, and further limits allowable independent claim 8 and therefore is allowable as well.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 8, 15 and 17 are in condition for allowance. Dependent claims 2-7 depend from and further limit independent claim 1, and therefore are allowable as well. Dependent claims 9-14 depend from and further limit independent claim 8, and therefore are allowable as well. Dependent claim 16 depends from and further limits independent claim 15, and therefore is allowable as well. In addition, dependent claim 18 depends from and further

limits independent claim 17, and therefore is allowable as well. The amendments herein are fully supported by the original specification and drawings as discussed herein; therefore, no new matter is introduced. Issuance of an early formal notice of allowance of claims 1-18 is requested.

Respectfully submitted,



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